

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JAMES BENSON,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-07-17-M
)	
JUSTIN JONES, Director, Oklahoma)	
Department of Corrections,)	
)	
Respondent.)	


ORDER

On February 7, 2007, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2241, seeking a writ of habeas corpus. The Magistrate Judge recommended that the Petition for a Writ of Habeas Corpus be dismissed as time-barred. Petitioner was advised of his right to object to the Report and Recommendation by February 27, 2007. On February 12, 2007, petitioner filed his objection.

Having carefully reviewed this matter de novo, the Court finds that the statute of limitations governing the filing of the petition for writ of habeas corpus has expired and that petitioner has not shown extraordinary circumstances to warrant equitable tolling of the limitations period. Accordingly, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on February 7, 2007, and
- (2) DISMISSES the Petition for a Writ of Habeas Corpus as time-barred.

IT IS SO ORDERED this 21st day of February, 2007.


VICKI MILES-LAGRANGE
UNITED STATES DISTRICT JUDGE